

United States Court of Appeals
Fifth Circuit

FILED

UNITED STATES COURT OF APPEALS October 22, 2008

FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III
Clerk

No. 07-51179
Conference Calendar

D.C. Docket No. 5:06-CR-633-ALL

FILED

UNITED STATES OF AMERICA

NOV 16 2008

Plaintiff - Appellee

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY *[Signature]* DEPUTY CLERK

v.

FRANCISCO RODRIGUEZ

Defendant - Appellant

Appeal from the United States District Court for the
Western District of Texas, San Antonio.

Before KING, BARKSDALE, and OWEN, Circuit Judges.

J U D G M E N T

This cause was considered on the record on appeal and the
briefs on file.

It is ordered and adjudged that the appeal is dismissed as
frivolous.

ISSUED AS MANDATE: **NOV 13 2008**

A True Copy
Attest **NOV 13 2008**

Clerk, U.S. Court of Appeals, Fifth Circuit

By: Dawn Shuler
Deputy

New Orleans, Louisiana

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

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Plaintiff-Appellee

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Appeal from the United States District Court
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USDC No. 5:06-CR-633-ALL

Before KING, BARKSDALE, and OWEN, Circuit Judges.

PER CURIAM:*

The attorney appointed to represent Francisco Rodriguez has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967). Rodriguez has filed a response. Our independent review of the record, counsel's brief, and Rodriguez's response discloses no nonfrivolous issue for appeal. Accordingly, counsel's motion for leave to withdraw is GRANTED, counsel is excused from further responsibilities herein, and the APPEAL IS DISMISSED. *See* 5TH CIR. R. 42.2.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.